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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-direct</u>	<u>Re-cross</u>	<u>By Examiner</u>
Chad Cherwinski	7	24, 25			26
Kyle Schuhmacher	29	32			33
Jason Snyder	36	41			
David Irving	43	47			

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None so marked.		

1 JUDGE O'BRIEN: Pursuant to the authority
2 vested in me by the Illinois Commerce Commission, I
3 now call Case No. T09-0078 being the petition of BNSF
4 Railroad Company and Ridgeport Logistics Center, LLC,
5 as petitioners versus the County of Will. This is a
6 petition for an order of the Commission authorizing
7 the installation of an additional track at a grade
8 crossing commonly known as Lorenzo Road in Will
9 County, Illinois, at its intersection with the main
10 line tracks of BNSF Railway for reconfiguration of
11 warning devices and for a determination by the
12 Commission that the costs be borne by agreement of
13 the parties.

14 Will the parties please enter their
15 appearances.

16 MR. WENNLUND: Cass Wennlund for the
17 petitioner, Ridge Logistics Park I, LLC.

18 MR. BALDWIN: Kevin Baldwin on behalf of the
19 BNSF Railway Company.

20 JUDGE O'BRIEN: Are both of you gentlemen
21 licensed in the State of Illinois?

22 MR. WENNLUND: Yes, sir.

1 MR. BALDWIN: Yes, your Honor.

2 MR. MOCK: And Philip Mock, Assistant State's
3 Attorney, on behalf of the respondent, County of
4 Will.

5 MR. VERCRUYSSSE: Your Honor, representing the
6 Commerce Commission Staff, Brian Vercruysse, phone
7 number (312) 636-7760. Thank you, your Honor.

8 JUDGE O'BRIEN: Okay. Do we have anything
9 preliminarily before we start taking evidence?

10 MR. WENNLUND: We do, your Honor. I would make
11 a motion to amend the petition to state the legal
12 name of the owner, Ridgeport Logistics Center, LLC,
13 to correctly amend that to Ridge Logistics Park I,
14 LLC, being the legal owner in fact.

15 JUDGE O'BRIEN: Now run that slowly by me,
16 okay. What's the name of it?

17 MR. WENNLUND: The correct name --

18 JUDGE O'BRIEN: What's the proper name?

19 MR. WENNLUND: Ridge Logistics Park Roman
20 numeral I, LLC.

21 JUDGE O'BRIEN: Logistics plural or singular?

22 MR. WENNLUND: Plural.

1 JUDGE O'BRIEN: Ridge Logistics Park?

2 MR. WENNLUND: Correct.

3 JUDGE O'BRIEN: And Roman numeral I.

4 MR. WENNLUND: LLC.

5 JUDGE O'BRIEN: I'll grant that motion.

6 Anything further?

7 MR. WENNLUND: No.

8 JUDGE O'BRIEN: How many witnesses will you

9 have this morning?

10 MR. WENNLUND: Ridge will have two.

11 MR. BALDWIN: BNSF will have one witness, your

12 Honor.

13 MR. MOCK: I don't anticipate the County having

14 any.

15 JUDGE O'BRIEN: Okay. Will you have all three

16 witnesses stand raise your right hand, please, the

17 three who are going to testify.

18 (Witnesses sworn.)

19 I don't know exactly the best place to

20 seat the witnesses, just so the court reporter can

21 hear you.

22 You want to call your first witness,

1 please.

2 MR. BALDWIN: Your Honor, on behalf of the
3 BNSF, we call Chad Cherwinski to the stand.

4 Your Honor, in terms of a brief
5 opening statement, just so you're aware of how we are
6 intending to proceed, the BNSF is going to present
7 some statistics that they're in control of and can
8 authenticate and then we're going to allow some of
9 the other witnesses more familiar with the details to
10 continue.

11 So with that, may we proceed, your
12 Honor.

13 JUDGE O'BRIEN: You may.

14 CHAD CHERWINSKI,
15 called as a witness herein, having been previously
16 duly sworn, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY

19 MR. BALDWIN:

20 Q Sir, can you please state your name for the
21 record here.

22 A Chad Cherwinski.

1 Q Can you spell your last name for the court
2 reporter, please.

3 A C-h-e-r-w-i-n-s-k-i.

4 Q And, Mr. Cherwinski, you're employed by the
5 BNSF Railway Company; is that correct?

6 A That is correct.

7 Q Okay. What is your business address?

8 A 80-44th Avenue Northeast, Minneapolis,
9 Minnesota 55421.

10 Q Okay. And what is your educational
11 background information, if you will?

12 A I have a Bachelor of Science degree in
13 civil engineering from Michigan Technological
14 University.

15 Q And you've been working for the BNSF for
16 approximately four years; is that correct?

17 A Just under four years, that is correct.

18 Q What is your current position with the
19 BNSF?

20 A My position is manager public projects.

21 Q And what are your duties and
22 responsibilities as a manager of public projects?

1 A I act as the engineering liaison between
2 the various government groups within specific states.

3 Q And what's the purpose of that liaison?

4 A To assist in various inquiries at public
5 grade crossings, whether it be upgrades, to form of
6 protection, to additional tracks adding due crossing.

7 Q So you are familiar with the requirements
8 and standards that are in place for railroad
9 crossings, particularly in the state of Illinois?

10 A Yes, I am.

11 Q And, in fact, sir, are you familiar with a
12 railroad grade crossing located at Lorenzo Road in
13 unincorporated Will County, Illinois?

14 A I am.

15 Q And, in fact, that particular railroad
16 crossing is formally inventoried as DOT No. 004 396U;
17 is that correct?

18 A That is correct.

19 Q And, further, that particular crossing is
20 located where on the BNSF line?

21 A It is referred to as the Chillicothe
22 Subdivision which runs from Chicago to Kansas City.

1 Q And the grade crossing at Lorenzo Road
2 appears at Milepost 52.76 along the Chillicothe line;
3 is that correct?

4 A That is correct.

5 Q And, sir, are you familiar with the area
6 surrounding that particular grade crossing?

7 A I am.

8 Q Can you describe for the Court what the
9 makeup of the community is like in that area?

10 A From my observations and my site visits, it
11 appears to be farmland with some dwellings in and
12 around Lorenzo Road.

13 Q And what is Lorenzo Road at that location?
14 Can you describe for us how many lanes.

15 A Lorenzo Road is an asphalt surface a
16 two-lane highway.

17 Q And if you will, can you please describe
18 for us the makeup of the BNSF Chillicothe line that
19 runs through that grade crossing, please.

20 A BNSF has two main line tracks with a siding
21 track in between the two mains.

22 Q So, in fact, there are three tracks that

1 presently cross the Lorenzo Road grade crossing?

2 A This is correct.

3 Q What class of track is that?

4 A It's considered Class 5.

5 Q What is the current speed limits in effect

6 over that class track at Lorenzo Road?

7 A Our BNSF timetable states 70 miles an hour

8 for freight -- excuse me, 70 miles per hour for

9 freight and 79 miles for passenger service.

10 Q What, if any, passenger service is in

11 effect over that grade crossing?

12 A This location is considered a backup route

13 for Amtrak if its primary railroad carrier cannot

14 commit to its obligations, if there's a service

15 interruption, Amtrak will pass over this track.

16 Q And, sir, are you aware of any statistics

17 regarding the locomotive traffic at that location?

18 A BNSF's rolling average for this location is

19 63 trains per day.

20 Q And is that average rolls over the two main

21 lines there?

22 A That is correct.

1 Q What, if any, is the purpose of the siding
2 track at that location?

3 A BNSF utilizes that siding for storage of
4 maintenance equipment to service the region between
5 Joliet and Mazon as well as if there's any
6 functionally deficient rolling stock, it would be set
7 out at that siding for maintenance groups to repair
8 those -- the cars.

9 Q It's not actively used for storage or
10 switching?

11 A It is not.

12 Q If I understand you correctly, if a defect
13 is found in rolling stock while in transit near that
14 location, that siding yard can be used to remove the
15 stock from an active train?

16 A That is correct.

17 Q But that's a limited purpose of any storage
18 there?

19 A That is the general use of this track.

20 Q Okay. Now, Mr. Cherwinski, are you
21 familiar with the development project that's the
22 subject of today's petition?

1 A I am.

2 Q Can you describe, in general terms for us,
3 what your understanding of the overall project is?

4 A The overall project as it relates to the
5 Lorenzo Road crossing is to add a main line turnout
6 of a BNSF main line 2 on the generally northeast side
7 of Lorenzo Road, add a crossing to Lorenzo Road and
8 extend into Ridgeport's -- excuse me, Ridge's
9 facility on the southwest side of Lorenzo Road.

10 Q And if we understand you correctly, the
11 co-petitioner, Ridge Logistics Park I, LLC, will be
12 building a facility near the Lorenzo Road grade
13 crossing; is that correct?

14 A I'm aware of that, yes.

15 Q And as part of the build out of that
16 facility, the lead track will be required to cross
17 the grade crossing at Lorenzo Road; is that also
18 correct?

19 A That is correct.

20 Q And that's, in fact, the purpose of today's
21 petition?

22 A Yes.

1 Q Now, sir, what is your -- what is the
2 relationship between the co-petitioners here today,
3 BNSF and Ridge Logistics?

4 A BNSF and Ridge have entered into an
5 agreement to add service into their facility.

6 Q Okay. And have you -- have you reviewed
7 that agreement?

8 A I have.

9 Q And are you familiar with its terms and
10 conditions?

11 A I am.

12 Q And does that agreement provide for the
13 construction of the lead track that you just
14 described which will be required to cross Lorenzo
15 Road grade crossing?

16 A Yes.

17 Q And what, specifically, with regard to that
18 agreement does it provide as far as who is to build,
19 who is to maintain and who is to control the lead
20 track that will cross Lorenzo Road?

21 A BNSF is to construct a main line turnout
22 and track through Lorenzo Road to the property line

1 and they will own and maintain all that facility from
2 the main line to the right of way line and they will
3 own and maintain that at Ridge's sole expense as well
4 as construct up to the absolute signal located some
5 distance inside of Ridge's facility.

6 Q So the agreement provides that BNSF is to
7 construct and install the track and all signal
8 equipment?

9 A That is correct.

10 Q Okay. And the agreement further provides
11 that BNSF will continue to control and maintain that
12 additional lead track and all related signal
13 equipment?

14 A That is correct.

15 Q Okay. And, further, that agreement
16 provides that the installation and maintenance is to
17 be at Ridge's sole expense?

18 A It is.

19 Q And are you aware as you sit here today of
20 any estimates for the value of that installation
21 project?

22 A The total cost BNSF estimates for the track

1 installation including surface as well as signal
2 infrastructure is estimated at \$1.9 million.

3 Q And per the terms of the agreement between
4 the co-petitioners -- the co-petitioner, Ridge
5 Logistics is to assume all of that cost; correct?

6 A That is correct.

7 Q Now, I'm going to show you what's been
8 previously identified and filed in this case as
9 Exhibit A to the petition.

10 Do you have a copy of that before you?

11 A I do.

12 MR. BALDWIN: Your Honor, I apologize that you
13 don't have a copy of the exhibits before you today,
14 but if you need to interrupt for any reason, please
15 do so and we'll try to accommodate you as best we
16 can.

17 BY MR. BALDWIN:

18 Q Mr. Cherwinski, if you would, take a look
19 at Exhibit -- the first page of Exhibit A.

20 Have you seen this document before?

21 A I have.

22 Q Okay. Can you identify it for us, please.

1 A Yes. This is the lead track at Lorenzo
2 Road from the BNSF Main 2 into Ridge's facility.

3 Q Okay. And this Exhibit A actually shows
4 Lorenzo Road running east/west at this location?

5 A That is correct.

6 Q And the exhibit further shows the position
7 of Main lines 1 and 2 as well as the siding track
8 that currently cross at Lorenzo Road?

9 A That is correct.

10 Q And, finally, this exhibit also details the
11 position that the new lead track will break off the
12 main and cross Lorenzo Road before leaving BNSF right
13 of way; is that also correct?

14 A Yes.

15 Q Sir, is the depiction shown on the first
16 page of Exhibit A a true and accurate depiction of
17 the actual plans for the installation of the new lead
18 track?

19 A It is.

20 Q And next I'm going to refer to what's
21 previously been identified and filed with this
22 petition as Exhibit B.

1 Do you have Exhibit B in front of you,
2 sir?

3 A I do.

4 Q Have you seen this document before?

5 A I have.

6 Q And can you identify it for us, please.

7 A This is the -- another view of the lead
8 from BNSF Main 2 into Ridge's facility including the
9 surface of Lorenzo Road.

10 Q Okay. And this, in fact, is commonly known
11 as what's the roadway plan for the planned
12 improvements to the grade crossing at Lorenzo Road;
13 is that correct?

14 A That is correct.

15 Q Okay. And it's your understanding that
16 this is a true and accurate depiction of the planned
17 improvements that will complete the project at
18 Lorenzo Road?

19 A Yes.

20 Q And, finally, I'm going to show you what's
21 been previously been identified and filed in this
22 matter as Exhibit C.

1 Do you have a copy of what's been
2 labeled Exhibit C in front of you, sir?

3 A I do.

4 Q Can you identify this document for us,
5 please.

6 A This is the BNSF-produced signal document
7 for -- we call it for our signal schematic.

8 Q And what, in fact, does the signal
9 schematic show?

10 A It depicts the relocation of the flashing
11 light and gate arm on the east side of Lorenzo Road
12 to accommodate the fourth track through the crossing
13 as well as a new signal bungalow located between
14 Main 2 and the siding.

15 Q And, in fact, Exhibit C does show that as
16 part of the requested upgrades in this petition, that
17 the east signal at Lorenzo Road will be relocated to
18 accommodate for the new lead track that's planned to
19 be installed?

20 A That is correct.

21 Q And the equipment in the bungalow, that
22 will be -- what's the status of that?

1 A That equipment will be upgraded -- not
2 upgraded but will be refreshed with the new
3 installation of the bungalow in order to keep the
4 existing operations in order while we cut over the
5 new system.

6 Q So there will be a new bungalow constructed
7 for the signal controls located at Lorenzo Road grade
8 crossing?

9 A That is correct.

10 Q Okay. And those new -- the signals that
11 will be contained within -- the signal equipment that
12 will be contained within the new bungalow house will
13 permit the addition of crossing protection for the
14 new lead track that's planned as part of this
15 petition?

16 A That's correct. The new track will consist
17 of constant warning time.

18 Q Okay. And what is the current warning
19 that's in place at the Lorenzo Road grade crossing?

20 A There is -- the flashing lights with gates
21 and constant warning time.

22 Q Main 1 and Main 2 are both equipped with

1 constant warning currently?

2 A That is correct.

3 Q And the plans call for the new addition of
4 the lead track to be also equipped with constant
5 warning; is that correct?

6 A That is correct.

7 Q And does the -- does Exhibit C truly and
8 accurately depict the planned signal installations
9 that will be in effect upon completion of this
10 project?

11 A It does.

12 Q Sir, if you can give us an idea now of what
13 is the -- what effect, if any, the planned
14 installation of the -- this new lead track crossing
15 will have at (sic) train traffic at the location.

16 A The BNSF has stated that this service will
17 be a five-day-per-week service, one train into the
18 facility and one train out of the facility.

19 Q So there will be an addition of two trains
20 planned as a result of the installation of this
21 facility in addition to the current average levels of
22 63 trains per day?

1 A That is correct.

2 Q And what features at this lead track, if
3 any, will affect the crossing times for the gates at
4 Lorenzo Road?

5 A The speed at which the trains can -- are
6 designed to travel through this turnout and into the
7 facility has been designed for 30 miles per hour.

8 Q Will that create any substantial delays
9 outside of the traffic that's currently experienced
10 at that location?

11 A With train lengths estimated at 20 to 30
12 cars traveling at 30 miles an hour, that's roughly
13 the same time to occupy that crossing at Lorenzo as a
14 main line train 6 to 8,000 feet in length traveling
15 at track speed.

16 Q So it will be the same, it's just adding
17 two more regular trains passing over the crossing; is
18 that an accurate statement?

19 A That's a fair assumption.

20 Q Okay. Mr. Cherwinski, what -- how long is
21 the time line for construction of the planned
22 installation at Lorenzo Road?

1 A From the time Ridge grants BNSF notice to
2 proceed, the BNSF needs 365 days.

3 Q So BNSF's build time is approximately one
4 year in total?

5 A Yes.

6 Q And as I understand it, you have not
7 received that authorization to proceed yet?

8 A The BNSF has not.

9 Q So we'll need 12 months in addition to some
10 additional time in order to proceed to completion
11 with this project; is that correct?

12 A That is correct.

13 Q Okay. And in connection with this project,
14 what is the -- what impact will that have on Lorenzo
15 Road itself at the grade crossing?

16 A There will be a planned outage at some time
17 in the future of one week to install the surface and
18 signal equipment.

19 Q The BNSF estimates then that it will be --
20 that Lorenzo Road will be out of service for
21 approximately one week at that location?

22 A That is a correct estimate.

1 Q And BNSF will be able to provide advanced
2 notice to Will County and work with them to
3 effectuate that closing; is that correct?

4 A That is correct.

5 Q And, sir, if the Commission sees fit to
6 enter an order granting the relief requested in the
7 petition, is BNSF acting that that order be
8 consistent with the terms of the proposal or -- of
9 the petition and of the agreement between the
10 co-petitioners that have been provided today?

11 A Yes.

12 MR. BALDWIN: We have no further questions at
13 this time.

14 JUDGE O'BRIEN: Cross?

15 MR. WENNLUND: The co-petitioner has none.

16 MR. MOCK: The County has just one area of
17 questioning.

18 CROSS-EXAMINATION

19 BY

20 MR. MOCK:

21 Q On Exhibit A, if you'd look at that, it
22 shows a 40-foot concrete crossing across Lorenzo

1 Road. Do you see that?

2 A I do.

3 Q And on Exhibit B, if I'm reading this

4 right, it shows a 60-foot prefabricated concrete

5 grade crossing at that location. Do you know which

6 one you are going to use?

7 A Yeah. It would be the 40-foot concrete

8 crossing to match the -- well, I guess I'm unsure I'd

9 have to defer that to Ridge's engineer.

10 MR. MOCK: Okay. That was the only thing that

11 I was mistaken on. Okay.

12 JUDGE O'BRIEN: Mr. Vercruysse?

13 MR. VERCRUYSSSE: Your Honor, a couple

14 questions. Thank you.

15 CROSS-EXAMINATION

16 BY

17 MR. VERCRUYSSSE:

18 Q Mr. Cherwinski, in terms of the warning

19 time that will be determined for the crossing, has

20 your signal staff had time to review that at this

21 point?

22 A At this point, they have not.

1 Q Okay. With final submittals and once you
2 receive authorization or BNSF receives authorization,
3 your Signal Department will submit the proper Form 3
4 which goes through what sort of warning time will be
5 necessary since this crossing is being lengthened?

6 A Absolutely.

7 Q All right. Thank you.

8 To follow up with Exhibit C -- Do you
9 have it in front of you?

10 A I do.

11 Q -- the north arrow on this exhibit, is that
12 correct?

13 A The north arrow is off by 90 degrees.

14 Q Okay. It should be pointing to the right?

15 A To the right, that is correct.

16 MR. VERCROYSSSE: Okay. Thank you.

17 Your Honor, no further questions.

18 Thank you very much.

19 EXAMINATION

20 BY

21 JUDGE O'BRIEN:

22 Q What type of cargo is going to be carried

1 across this crossing? Do you know?

2 A At this time, I do not believe it's
3 specific cargo. It's going to be mixed freight
4 serviced from Joliet Yard.

5 Q Do you know the nature of the business of
6 the co-petitioner?

7 A I do not.

8 Q How do you know, then, that it's going to
9 be an average of 30 cars?

10 A That is the estimates that have been
11 generated for the size of the facility.

12 Q What type of cars will these be?

13 A More than likely box cars and mixed freight
14 aggregates and such.

15 Q Any tank cars?

16 A I do not know.

17 JUDGE O'BRIEN: Do we have a witness, Counsel,
18 available who can provide this information?

19 MR. WENNLUND: Yes.

20 JUDGE O'BRIEN: All right. Thank you.

21 MR. BALDWIN: And then, your Honor, for the
22 record, we'll, of course, request to make that

1 adjustment to the north direction marker on Exhibit 3
2 and tender all exhibits for admission.

3 JUDGE O'BRIEN: Okay. That's fine.

4 MR. WENNLUND: Judge, in light of your recent
5 question, I'd ask to have an additional witness sworn
6 from Ridge Logistics Park I, LLC, Kyle Schuhmacher,
7 who is in the room, in order to answer your specific
8 question.

9 JUDGE O'BRIEN: He is not one of the witnesses
10 who was previously sworn?

11 MR. WENNLUND: He was not, but in light of your
12 question, he can answer those questions specifically
13 and I'd ask to have him sworn.

14 JUDGE O'BRIEN: Are you going to put him on
15 now?

16 MR. WENNLUND: I can do that right now and --

17 JUDGE O'BRIEN: That's fine.

18 Stand and raise your right hand,
19 please.

20 (Witness sworn.)

21 Proceed.

22

1 KYLE SCHUHMACHER,
2 called as a witness herein, having been first duly
3 sworn, was examined and testified as follows:
4 DIRECT EXAMINATION
5 BY
6 MR. WENNLUND:
7 Q The questions asked -- your name is Kyle
8 Schuhmacher?
9 A Yes.
10 Q Can you spell your last name for the
11 record.
12 A S-c-h-u-h-m-a-c-h-e-r.
13 Q And where are you employed,
14 Mr. Schuhmacher?
15 A Ridge Property Trust.
16 Q Okay. And one of Ridge Property Trust's
17 companies is Ridge Logistics Park I, LLC, the
18 petitioner in this case?
19 A That's correct.
20 Q And that's the proposed developer of this
21 development on Lorenzo Road; is that correct?
22 A Yes.

1 Q Okay. And what's your position there?

2 A Vice president.

3 Q Okay. And what are your duties as vice
4 president?

5 A On this project, I manage the development
6 and permitting and construction process.

7 Q And, specifically, you were in the room
8 recently when the Judge asked questions with regard
9 to the type of cargo and the general nature of this
10 facility and the type of cargo that would be going in
11 and out. You were here for that?

12 A Yes.

13 Q And what type of cargo will be going in and
14 out of this facility on the BNSF line?

15 A The primary cargo will be aggregates from
16 an on-site limestone mine along with cement and sand
17 that will be shipped on and off.

18 The facility is also designed to
19 accommodate other types of cargo including food
20 products, flower, dimensional lumber, anything that
21 would be carried on a box car or a flat car.

22 With regard to the question about

1 tanks, the site could be designed for tank cars but
2 it's not currently permitted or planned to be used as
3 that.

4 Q Okay. And it was Ridge's estimate as far
5 as the number of trains going in and out of this
6 facility?

7 A We looked at our demand of shipping
8 aggregate off site and I think that's where the 20 to
9 30 cars came about and I think -- it's my
10 understanding also that the length of the train is
11 determined by the weight of those cars and I believe
12 20 to 30 cars was --

13 Q Together with your development plans --
14 what you know about your development plans and the
15 information given to you by the BNSF experts as well
16 as your own, that is where you came up with those
17 estimates as far as traffic?

18 A That's correct.

19 MR. WENNLUND: I don't have anything further at
20 this point.

21 JUDGE O'BRIEN: Cross?

22 MR. BALDWIN: None, your Honor.

1 MR. MOCK: None by Respondent, your Honor.

2 MR. VERCUYSSSE: Your Honor, Staff would have
3 one question if you don't mind.

4 JUDGE O'BRIEN: Sure.

5 CROSS-EXAMINATION

6 BY

7 MR. VERCUYSSSE:

8 Q Mr. Schuhmacher, in terms of the facility
9 in Exhibit A that was discussed, these trains that
10 will come into your facility will clear the
11 Lorenzo -- will clear the Lorenzo Road crossing as
12 they come through -- there's no storage near the
13 crossings that's planned or proposed, your facility
14 is far away from the crossing?

15 A That's correct. There's no storage within
16 the BNSF's right of way or the County road right of
17 way.

18 Q Approximately how far from of the Lorenzo
19 Road crossing then would your first facility or
20 customers be?

21 A That's a question that's probably more
22 appropriate for the engineer.

1 MR. VERCRUYSSSE: That's fine. Thank you, your
2 Honor.

3 EXAMINATION

4 BY

5 JUDGE O'BRIEN:

6 Q What is the nature of the business of Ridge
7 Logistics?

8 A Ridge Logistics Park I, LLC, is a
9 single-purpose entity set up to own this property.
10 Each of our projects are own separate LLCs.

11 Q Now, is your company actually operating on
12 this site or are you a real estate company? A
13 management company? You said there is a quarry on
14 site. Do you operate the quarry or do you lease it
15 to someone or how does this work?

16 A Ridge Property Trust is a real estate
17 investment trust -- private real estate investment
18 trust. Our primary business is to acquire and
19 develop and own business parks. The quarry that I
20 indicated is not currently in use on site but is
21 planned and is going through the entitlement process.
22 We would not operate that quarry. That quarry would

1 be operated by a third party that is qualified and
2 their primary business would be to operate that
3 facility.

4 With regard to the rest of the
5 buildings, our role is ownership of those buildings
6 and we typically lease or sell those buildings to
7 users.

8 Q So you would be leasing this quarry portion
9 of this property to someone to actually operate?

10 A We would lease or sell the primary ground
11 where the loading of the trains would occur and we
12 would likely lease or sell the mineral rights to the
13 quarry to a third-party operator.

14 Q Would you foresee any hazardous materials
15 at this crossing?

16 A I'm not qualified to define what hazardous
17 is.

18 Q Well, anything flammable, explosive. I
19 mean, if you are going to be moving sand, rock and
20 gravel, that's one thing --

21 A Sure.

22 Q -- you said it's potentially tank cars but

1 not right now --

2 A The only customer we have right now is the
3 aggregate user. That's what we have today.

4 Q Suppose someone wanted to build a plant to
5 produce material which would be hazardous, is this
6 property presently zoned for that?

7 A The property is not presently zoned for
8 hazardous material.

9 Q So you would have to go -- now, who has
10 zoning jurisdiction over this property?

11 A Currently Will County and we are working
12 through annexing the property to a neighboring
13 municipality.

14 Q So would you -- if you changed the nature
15 of the businesses or added to the nature of the
16 businesses to be operated on this property, would you
17 at the present time have to go to Will County to get
18 zoning approval?

19 A Yes.

20 Q And if you annex this property to another
21 municipality, to your knowledge -- I assume you've
22 already picked that municipality; is that correct?

1 A We are negotiating with two municipalities
2 currently, neither of which have hazardous materials
3 as an approved use in the pre-annexation agreements
4 that are being circulated right now.

5 Q So if you were to expand use, you would
6 have to go -- assuming one of them annexed this
7 property, you would then have to go to their zoning
8 authority to get this approval; is that correct?

9 A Yes, that's correct.

10 JUDGE O'BRIEN: That's all I have. Thank you.

11 MR. WENNLUND: Ridge would like to call Jason
12 Snyder, please.

13 JUDGE O'BRIEN: Proceed.

14 JASON SNYDER,
15 called as a witness herein, having been previously
16 duly sworn, was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY

19 MR. WENNLUND:

20 Q You're Jason Snyder?

21 A I am.

22 Q Could you spell your last name for the

1 record, please.

2 A S-n-y-d-e-r.

3 Q And are you employed, Mr. Snyder?

4 A Yes.

5 Q How are you employed?

6 A I am a civil engineer with Jacob & Hefner

7 Associates.

8 Q And how long have you been a civil

9 engineer?

10 A Going on a little over 11 years now,

11 12 years, I'm sorry.

12 Q And Jacob & Hefner has been employed by

13 Ridge, the petitioner in this case, to provide civil

14 engineering services at this site?

15 A Yes.

16 Q What are the extent of your

17 responsibilities there?

18 A The extent of my responsibilities include

19 the preliminary through final design of the business

20 park itself with regards to site issues, whether it

21 be road improvements, storm water management,

22 sanitary water services, the adjacent roadways,

1 Lorenzo Road being one of them, providing the plans
2 and design for the widening of that road to
3 accommodate the traffic for our business park.

4 Q So you are familiar with the scope and the
5 size of the project?

6 A Yes.

7 Q And approximately how many acres did the
8 project encompass?

9 A At this point, the project encompasses
10 approximately 1,400 acres.

11 Q And what type of internal project
12 improvements are proposed at this particular point?

13 A At this particular point, we have plans
14 developed for two interior roadways, one speculative
15 warehouse building, storm water management facilities
16 as well as some conceptual design for these mining
17 facilities as well.

18 Q And in accordance with your
19 responsibilities and in conjunction with your
20 cooperating engineers, you've determined what the
21 projected traffic from this facility will add upon
22 Lorenzo Road?

1 A Yes.

2 Q And what -- and you are also familiar with
3 the existing traffic on -- for Lorenzo Road as a
4 grade crossing; is that correct?

5 A Right.

6 Q And what is the existing traffic counts and
7 numbers and breakdowns as far as the traffic count on
8 Lorenzo Road crossing right now?

9 A Right now, per a 2007 study done by Metro
10 Transportation Group, the total ADT or average daily
11 traffic is 6,800 vehicles per day.

12 Q And of that traffic, how much is cars and
13 how much is trucks?

14 A Approximately 35 percent of that is trucks,
15 the rest is cars.

16 Q And did you make a -- or one of your
17 co-experts make a determination as far as what
18 additional traffic would be added or projected to be
19 added by the Ridge Development?

20 A We have made had a projection for the
21 Phase 1 portion of the Ridge Development.

22 Q Okay. And what is the Phase 1 portion?

1 A The Phase 1 portion includes approximately
2 six warehouse facilities as well as a commercial
3 development up along the interstate itself.

4 Q Does that also include the aggregate
5 facility which you heard Mr. Schuhmacher testifying
6 about?

7 A Yes.

8 Q And what is that projected average daily
9 traffic increase from that Phase 1?

10 A The total from Phase 1 would be
11 approximately 16,685 vehicles, only a portion of
12 which would head west on Lorenzo Road. A majority of
13 the traffic would travel directly to Interstate 55
14 and head north or south from there.

15 Q And you were in the room when
16 Mr. Cherwinski testified?

17 A Yes.

18 Q Is there anything you would like to add or
19 detract from the testimony he gave?

20 A No.

21 Q Now, when you say you were involved in the
22 planning the road improvements out towards Lorenzo

1 Road, that was east of this project, that wasn't
2 directly at the crossing; is that correct?

3 A Exactly. The beginning of that project
4 would be approximately a quarter mile east of the
5 railroad crossing.

6 Q Okay. Mr. Irving, who is also in the room
7 is the person with the responsibility for the road
8 improvement plans at the crossing?

9 A Correct.

10 MR. WENNLUND: That's all I have at this point.

11 JUDGE O'BRIEN: Cross?

12 MR. BALDWIN: None by BNSF.

13 MR. MOCK: None by Respondent.

14 MR. VERCRUYSSSE: Your Honor, if Staff could
15 clear up, as far as the ADT over the crossing, I'd
16 appreciate it.

17 CROSS-EXAMINATION

18 BY

19 MR. VERCRUYSSSE:

20 Q Mr. Snyder, in terms of going across the
21 Lorenzo Road crossing with the BNSF and proposed
22 track, what sort of traffic will we see increase over

1 the crossing?

2 A Based on the Phase 1 study that was
3 prepared by Metro Transportation Group and updated by
4 HDR Engineers, approximately -- they broke it down
5 between the commercial portion of the development and
6 the warehousing portion of the development.

7 MR. VERCROYSSSE: Your Honor, it seems that
8 there was a study that had been done and I handed it
9 to the witness to assist with some of the numbers
10 that are provided to see if this is consistent.

11 THE WITNESS: Yes. The Phase 1 portion of the
12 Ridgeport ADT site generated traffic going west
13 across the railroad crossing is about 3,000 vehicles
14 out of that 16,000-plus that I mentioned before.

15 BY MR. VERCROYSSSE:

16 Q So total over the crossing would be about
17 9,800 --

18 A Yes.

19 Q -- ADT?

20 A Yes. Yes.

21 MR. VERCROYSSSE: Thank you. No further
22 questions.

1 Thank you, your Honor.

2 JUDGE O'BRIEN: Proceed. You can call your
3 next witness.

4 MR. WENNLUND: I call David Irving.

5 DAVID IRVING,
6 called as a witness herein, having been previously
7 duly sworn, was examined and testified as follows:

8 DIRECT EXAMINATION

9 BY

10 MR. WENNLUND:

11 Q You're David Irving?

12 A Yes, I am.

13 Q Can you spell your last name for the
14 record?

15 A I-r-v-i-n-g.

16 Q Are you employed, Mr. Irving?

17 A Yeah, with TranSystems Corporation.

18 Q What is TranSystems Corporation?

19 A It's a consultant firm that deals mainly in
20 transportation-type projects.

21 Q How long have you been employed with them?

22 A A little over 11 years.

1 Q And what is your job there?

2 A I lead rail group in the Chicago office.

3 Q Are you an engineer?

4 A Yes.

5 Q Okay. What sort of certifications do you

6 hold?

7 A A P.E. in Illinois and Texas and Minnesota.

8 Q As a civil engineer?

9 A Civil engineer, correct.

10 Q And you've been involved with civil

11 engineering with regard to railway crossings for some

12 time now?

13 A Yes, for pretty much my entire 33-year

14 career.

15 Q And TranSystems was engaged by the

16 co-petitioner, Ridge Logistics Park I, LLC, in this

17 matter?

18 A Correct.

19 Q And what are your responsibilities with

20 regard to this project?

21 A The rail infrastructure, designing of the

22 track and in this case, the grade crossing.

1 Q And the Exhibit A in those grade crossings,
2 the depictions that are attached to the petition were
3 prepared by you or at your direction?

4 A Yeah. I think the depiction is -- we
5 didn't prepare that exact exhibit. I think the BNSF
6 did but it was based on our design plans.

7 Q What road improvements are planned or
8 proposed at the grade crossing in conjunction with
9 this project?

10 A The improvements consist of adding a single
11 track to the roadway to serve the industrial park;
12 with that is some pavement repairs or replacement and
13 repaving to reprofile the crossing and also some
14 drainage improvements, you know, necessitated by the
15 construction of the rail spur.

16 Q And you were in the room earlier when there
17 was a question with regard to the concrete crossing,
18 whether it was a 40-foot poured or a 60-foot precast?

19 A Yeah, the current plan is for 60-foot
20 crossing, that was requested by the BNSF division
21 engineer.

22 Q That's poured and placed?

1 A No, it's a precast concrete crossing
2 referred to kind of as a tub crossing. It's got a
3 concrete base and the direct fixation track and then
4 concrete panels fill in between the rails and on the
5 field sides of the rails.

6 MR. WENNLUND: If I could have just a moment,
7 your Honor.

8 JUDGE O'BRIEN: Sure.

9 BY MR. WENNLUND:

10 Q And you're familiar with the preliminary
11 layout of the Phase 1 of Ridge's proposed project?

12 A Correct.

13 Q Okay. And from the crossing at Lorenzo
14 Road into the project, how far in would be the first
15 stopping point for the trains coming in on this
16 proposed track?

17 A It's approximately 400 feet. I think the
18 signal -- the actual signal is at around 300 feet. I
19 think previously the testimony said it was the
20 absolute signal but that absolute signal is about
21 320 feet from the crossing. Then there's another
22 100 feet or better before you'd have the potential

1 for a car to actually be stopped and clear the
2 switch. It's actually more -- I guess actually
3 closer to another 300 feet, so it's about -- the
4 first car would be able to be stopped about 700 feet
5 away from the crossing.

6 Q Is any switching going to be done on the
7 crossing itself at Lorenzo Road?

8 A It's not intended. There won't be any
9 switching past that absolute signal.

10 MR. WENNLUND: That's all I have, your Honor.

11 JUDGE O'BRIEN: Cross?

12 MR. BALDWIN: Kevin Baldwin on behalf of the
13 BNSF.

14 CROSS-EXAMINATION

15 BY

16 MR. BALDWIN:

17 Q Sir, just to clarify, are you aware of what
18 size train can be accommodated past what we've
19 referred to as the absolute switch in this
20 development?

21 A Yeah. I think the -- comfortably you can
22 accommodate a 60-car train. I think it, you know,

1 with some additional switching and stuff internal
2 into the facility, it could accommodate a 90-car
3 train.

4 Q And is that traffic past the switch
5 sufficient to clear both the crossing and the
6 absolute switch that are planned for this
7 installation and --

8 A Correct. And that's the intended
9 operation.

10 MR. BALDWIN: No further questions.

11 JUDGE O'BRIEN: The County?

12 MR. MOCK: No questions by Will County.

13 MR. VERCRUYSSSE: No questions by Staff, your
14 Honor.

15 JUDGE O'BRIEN: Thank you.

16 Anything further on behalf of either
17 petitioner?

18 MR. WENNLUND: None from Ridge.

19 MR. BALDWIN: None from BNSF.

20 JUDGE O'BRIEN: Respondent, Will County?

21 MR. MOCK: No witnesses.

22 JUDGE O'BRIEN: Is the County supporting this

1 project or at least not objecting to it?

2 MR. MOCK: We're in support of it. Our County
3 Board is in support of it as well as our Highway
4 Department. I do have two representatives here but I
5 don't see any need to have them testify to anything
6 to assist your Honor.

7 JUDGE O'BRIEN: Staff?

8 MR. VERCRUYSSSE: The only thing I'd add, your
9 Honor, is that since the parties have been working on
10 the project, we could draft an Agreed Order amongst
11 the parties, provide occurrence documents and file it
12 to you for your approval and submittal to the
13 Commission if you would prefer.

14 JUDGE O'BRIEN: Would the parties waive their
15 right to a Proposed Order? Now, off the record.

16 (Discussion off the record.)

17 JUDGE O'BRIEN: Back on the record.

18 Do the parties all waive their right
19 to a proposed order -- formal proposed order?

20 MR. WENNLUND: Co-petitioner Ridge does.

21 MR. BALDWIN: Co-petitioner BNSF agrees.

22 MR. MOCK: And Respondent Will County agrees.

1 MR. VERCRUYSSSE: Staff agrees also, your Honor.

2 JUDGE O'BRIEN: Any other matters before we
3 mark it heard and taken? I believe there is,
4 perhaps, something has to be put on the record with
5 regard to the time frame for completion of the
6 project.

7 MR. WENNLUND: That's correct, your Honor.
8 There was testimony to the fact that BNSF would need
9 365 days or a full year from the time that Ridge gave
10 its notice of receipt pursuant to its agreement to
11 actually schedule and complete those improvements,
12 the time in which -- the construction of which is
13 only one week at the end; but in light of that and in
14 light of the ongoing entitlement process, Ridge would
15 ask for a total of 24 months from the date of the
16 order to have those completed to give them the
17 365 days to get their preliminary work completed to
18 get that notice to proceed.

19 MR. MOCK: There is no objection by the
20 respondent to that timetable.

21 MR. BALDWIN: BNSF agrees, your Honor.

22 MR. VERCRUYSSSE: Staff is also fine with the

1 schedule as proposed.

2 JUDGE O'BRIEN: Anything else before we mark

3 the case heard and taken?

4 (No response.)

5 Having nothing before us, I direct the

6 case be marked heard and taken.

7 (Heard and taken.)

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